

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

In the Matter of	)	
	)	
Zito Canton, LLC,	)	Proceeding No. 17-284
	)	File No. EB-17-MD-005
Complainant	)	
	)	
v.	)	
	)	
PPL Electric Utilities Corporation,	)	
	)	
Respondent	)	

**ORDER OF DISMISSAL**

**Adopted: August 23, 2019**

**Released: August 23, 2019**

By the Chief, Market Disputes Resolution Division:

1. On November 13, 2017, Zito Canton, LLC (Zito) filed with this Commission an amended pole attachment complaint against PPL Electric Utilities Corporation (PPL) pursuant to section 224 of the Communications Act of 1934, as amended (Act).<sup>1</sup> PPL filed a response to Zito's Complaint on November 20, 2017.<sup>2</sup> Zito filed a reply on December 11, 2017.<sup>3</sup>

2. On August 21, 2019, the parties filed a joint motion seeking dismissal of the Complaint with prejudice on the ground that the parties executed a confidential settlement agreement regarding this dispute.<sup>4</sup> The Motion states that "[d]ismissal of the Complaint will serve the public interest by eliminating the need for further litigation and the expenditure of the associated time and resources of the parties and the Commission and will promote the private resolution of disputes."<sup>5</sup>

3. We are satisfied that granting the Motion will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further expenditure of time and resources by the parties and the Commission.

4. Accordingly, **IT IS ORDERED**, pursuant to sections 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 224, sections 1.3, 1.720-1.740, and 1.1401-1415 of the Commission's rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1415, and the authority delegated in Sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.3 11, that the Motion **IS GRANTED**, that the Complaint

<sup>1</sup> Amended Pole Attachment Complaint, No. 17-284, File No. EB-17-MD-005 (filed Nov. 13, 2017) (Complaint).

<sup>2</sup> Response of PPL Electric Utilities Corporation to Pole Attachment Complaint Filed by Zito Canton, LLC, No. 17-284, File No. EB-17-MD-005 (filed Nov. 20, 2017).

<sup>3</sup> Zito Canton, LLC's Reply in Support of Amended Pole Attachment Complaint, No. 17-284, File No. EB-17-MD-005 (filed Dec. 11, 2017).

<sup>4</sup> Joint Motion to Dismiss Complaint With Prejudice, No. 17-284, File No. EB-17-MD-005 (filed Aug. 21, 2019) (Motion).

<sup>5</sup> *Id.* at 2.

**IS DISMISSED** with prejudice, and that this proceeding **IS TERMINATED**.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary McEnery  
Chief  
Market Disputes Resolution Division  
Enforcement Bureau